

MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966

MAY 24, 1966.—Ordered to be printed

Mr. LENNON, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 944]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 944) to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That this Act may be cited as the "Marine Resources and Engineering Development Act of 1966".*

DECLARATION OF POLICY AND OBJECTIVES

SEC. 2. (a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security; rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

(1) The accelerated development of the resources of the marine environment.

(2) The expansion of human knowledge of the marine environment.

(3) *The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.*

(4) *The preservation of the role of the United States as a leader in marine science and resource development.*

(5) *The advancement of education and training in marine science.*

(6) *The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.*

(7) *The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.*

(8) *The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.*

THE NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT

SEC. 3. (a) *There is hereby established, in the Executive Office of the President, the National Council on Marine Resources and Engineering Development (hereinafter called the "Council") which shall be composed of—*

(1) *The Vice President, who shall be Chairman of the Council.*

(2) *The Secretary of State.*

(3) *The Secretary of the Navy.*

(4) *The Secretary of the Interior.*

(5) *The Secretary of Commerce.*

(6) *The Chairman of the Atomic Energy Commission.*

(7) *The Director of the National Science Foundation.*

(8) *The Secretary of Health, Education, and Welfare.*

(9) *The Secretary of the Treasury.*

(b) *The President may name to the Council such other officers and officials as he deems advisable.*

(c) *The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.*

(d) *Each member of the Council, except those designated pursuant to subsection (b), may designate any officer of his department or agency appointed with the advice and consent of the Senate to serve on the Council as his alternate in his unavoidable absence.*

(e) *The Council may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President and shall receive compensation at a rate established by the President at not to exceed that of level II of the Federal Executive Salary Schedule. The executive secretary, subject to the direction of the Council, is authorized to appoint and fix the compensation of such personnel, including not more than seven persons who may be appointed without regard to civil service laws or the Classification Act of 1949 and compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, as may be necessary to perform such duties as may be prescribed by the President.*

(f) *The provisions of this Act with respect to the Council shall expire one hundred and twenty days after the submission of the final report of the Commission pursuant to section 5(h).*

RESPONSIBILITIES

SEC. 4. (a) *In conformity with the provisions of section 2 of this Act, it shall be the duty of the President with the advice and assistance of the Council to—*

(1) *survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;*

(2) *develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;*

(3) *designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States;*

(4) *insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this Act, including differences as to whether a particular project is a marine science activity;*

(5) *undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;*

(6) *establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the costs involved in obtaining such benefits; and*

(7) *review annually all marine science activities conducted by departments and agencies of the United States in light of the policies, plans, programs, and priorities developed pursuant to this Act.*

(b) *In the planning and conduct of a coordinated Federal program the President and the Council shall utilize such staff, interagency, and non-Government advisory arrangements as they may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine sciences.*

COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

SEC. 5. (a) *The President shall establish a Commission on Marine Science, Engineering, and Resources (in this Act referred to as the "Commission"). The Commission shall be composed of fifteen members appointed by the President, including individuals drawn from Federal and State governments, industry, universities, laboratories and other institutions engaged in marine scientific or technological pursuits, but not more than five members shall be from the Federal Government. In addition the Commission shall have four advisory members appointed by the President from among the Members of the Senate and the House of*

Representatives. Such advisory members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission. The President shall select a Chairman and Vice Chairman from among such fifteen members. The Vice Chairman shall act as Chairman in the latter's absence.

(b) The Commission shall make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs. The Commission shall undertake a review of existing and planned marine science activities of the United States in order to assess their adequacy in meeting the objectives set forth under section 2(b), including but not limited to the following:

(1) Review the known and contemplated needs for natural resources from the marine environment to maintain our expanding national economy.

(2) Review the surveys, applied research programs, and ocean engineering projects required to obtain the needed resources from the marine environment.

(3) Review the existing national research programs to insure realistic and adequate support for basic oceanographic research that will enhance human welfare and scientific knowledge.

(4) Review the existing oceanographic and ocean engineering programs, including education and technical training, to determine which programs are required to advance our national oceanographic competence and stature and which are not adequately supported.

(5) Analyze the findings of the above reviews, including the economic factors involved, and recommend an adequate national marine science program that will meet the present and future national needs without unnecessary duplication of effort.

(6) Recommend a Governmental organizational plan with estimated cost.

(c) Members of the Commission appointed from outside the Government shall each receive \$100 per diem when engaged in the actual performance of duties of the Commission and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), for persons employed intermittently. Members of the Commission appointed from within the Government shall serve without additional compensation to that received for their services to the Government but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized in the Act of June 9, 1949, as amended (5 U.S.C. 835-842).

(d) The Commission shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Commission may secure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810) but at rates not to exceed \$100 per diem for individuals.

(e) The Chairman of the Commission shall be responsible for (1) the assignment of duties and responsibilities among such personnel and their continuing supervision, and (2) the use and expenditures of funds available to the Commission. In carrying out the provisions of this subsection, the Chairman shall be governed by the general policies of the Commission with respect to the work to be accomplished by it and the timing thereof.

(f) *Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: Provided, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665 (g)) shall apply to appropriations of the Commission: And provided further, That the Commission shall not be required to prescribe such regulations.*

(g) *The Commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon request made by the Chairman.*

(h) *The Commission shall submit to the President, via the Council, and to the Congress not later than eighteen months after the establishment of the Commission as provided in subsection (a) of this section, a final report of its findings and recommendations. The Commission shall cease to exist thirty days after it has submitted its final report.*

INTERNATIONAL COOPERATION

SEC. 6. *The Council, under the foreign policy guidance of the President and as he may request, shall coordinate a program of international cooperation in work done pursuant to this Act, pursuant to agreements made by the President with the advice and consent of the Senate.*

REPORTS

SEC. 7. (a) *The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science during the preceding fiscal year, and (2) an evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this Act.*

(b) *Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable for the attainment of the objectives of this Act, and shall contain an estimate of funding requirements of each agency and department of the United States for marine science activities during the succeeding fiscal year.*

DEFINITIONS

SEC. 8. *For the purposes of this Act the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to the marine environment; and the term "marine environment" shall be deemed to include (a) the oceans, (b) the Continental Shelf of the United States, (c)*

the Great Lakes, (d) seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such areas, (e) the seabed and subsoil of similar submarine area adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

AUTHORIZATION

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, but sums appropriated for any one fiscal year shall not exceed \$1,500,000.

And the House agree to the same.

Amend the title so as to read: "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes".

ALTON LENNON,
PAUL G. ROGERS,
THOMAS N. DOWNING,
CHARLES A. MOSHER,
THOMAS M. PELLY,

Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN PASTORE,
E. L. BARTLETT,
DANIEL BREWSTER,
NORRIS COTTON,
THRUSTON B. MORTON,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 944) to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

In large part the provisions of the Senate bill and the House substitute amendment were the same or similar, but there were some rather important differences.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill, and also that the Senate recede from its disagreement to the amendment of the House to the title of the bill, with an amendment which is a substitute for both the title of the Senate bill and the House amendment to the title of the Senate bill.

The differences between the House amendments to the text and the title of the bill and the substitute amendments agreed to in conference are noted below except for the clerical corrections, incidental changes made necessary by reason of agreements reached between conferees, and minor drafting and clarifying changes.

Section 1

The short title of both the Senate bill and the House amendment provided that this act may be cited as the "Marine Resources and Engineering Development Act of 1965." The conference substitute changes the date to "1966".

Section 2

The Senate bill, like the House amendment, enumerated certain national objectives. The Senate bill omitted a declaration of policy. A declaration of policy is included in the bill agreed to in conference.

Section 3

The Senate bill provided for the establishment in the Executive Office of the President of the National Council on Marine Resources and Engineering Development (referred to therein as the "Council") to be composed of the Vice President as Chairman of the Council, the Secretary of State, Secretary of the Navy, Secretary of the Interior, Secretary of Commerce, Chairman of the Atomic Energy

Commission, the Director of the National Science Foundation, the Secretary of Health, Education, and Welfare, and such other officers and officials as the President may deem advisable. There were also certain provisions relative to the appointment of alternates and employment of a staff headed by a civilian Executive Secretary. It was the duty of the Council to advise and assist the President, as he may request, with respect to the performance of certain enumerated and related functions in the field of marine science and engineering.

The House amendment omitted the provisions relative to the establishment of the Council, but rather imposed the duty of performing the above mentioned enumerated and related functions directly upon the President, with direction to the President to "utilize such staff, interagency, and non-Government advisory arrangements as he may find necessary and appropriate and * * * consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine science."

It is in this section that the major differences between the Senate bill and the House amendment occurred.

The managers on the part of the House agreed to the establishment of the National Council on Marine Resources and Engineering Development, with the addition of the Secretary of the Treasury to its membership. The most important change agreed to by the conferees in respect to the provisions of the Senate bill to establish a Council is that "The provisions of this Act with respect to the Council shall expire one hundred and twenty days after the submission of the final report of the Commission pursuant to section 5(h)." In other words, the Council would be self-liquidating after the Commission, with a life of 18 months, completes its study and submits its report. The 120-day grace period would give Congress a reasonable opportunity to act on the Commission's recommendations as to organization. If it did not act within that time, direction and management of the program would revert to the President under procedures otherwise provided in the bill.

Section 4.

The conference substitute retains substantially all of the duties imposed upon the President under the House amendment, but provides that the performance of such duties shall be "with the advice and assistance of the Council."

Section 5.

The Senate bill provided authorization for the establishment "at the discretion of the President" of a Commission on Marine Science, Engineering and Resources, composed of 15 qualified members appointed by the President, including 5 representatives from Government, 5 representatives from industry, and 5 representatives from universities, institutions or laboratories engaged in marine science pursuits, such Commission to assist the President and the Council in carrying out their previously enumerated functions.

The House amendment provided for the establishment of an independent Commission, appointed by the President, composed of 15 members, "including individuals drawn from Federal and State governments, industry, universities, laboratories and other institutions engaged in marine scientific or technological pursuits."

The bill as agreed to in conference omits the discretionary establishment of the Commission as provided in the Senate bill and conforms to the intent of the House bill for the mandatory establishment of an independent Commission.

In lieu of the provisions of the Senate bill and the House amendment relative to the composition of the Commission the bill agreed to in conference provides that not more than five members shall be from the Federal Government and that "the Commission shall have four advisory members appointed by the President from among the Members of the Senate and the House of Representatives." The bill provides that the advisory members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

Relative to the membership of the Commission, it was the unanimous view of the committee of conference that the Commission should be as well balanced as possible as to the fields of endeavor from which the individual members are drawn so as to give the widest representation from industry, government, and the major scientific disciplines involved.

Section 7

Under the sections dealing with "Reports" in both the Senate bill and the House amendment a subsection provided that classified information should not be included in any report made under the section. No such provision is contained in the bill as agreed to in conference since there are other provisions of law which would accomplish this intent. The provision is therefore unnecessary.

Title

The House amendment to the title of the bill did not include reference to the National Council on Marine Resources and Engineering Development. The title to the bill as agreed to in conference includes such a reference.

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Managers on the Part of the House.

